

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Committee:		Kaua‘i Fire Commission		Meeting Date	April 3, 2017	
Location	Mo`ikeha Building – Meeting Room 2A/B			Start of Meeting: 2:46 p.m.		End of Meeting: 3:17 p.m.
Present	Chair Michael Martinez; Vice-Chair Thomas Nizo; Members: Clifton Miranda (<i>arrived at 2:46 p.m.</i>) and Alfredo Garces Jr. Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Jay Furfaro; Office of the County Attorney: Deputy County Attorney Teresa Tumbaga.					
Excused						
Absent						
SUBJECT		DISCUSSION			ACTION	
Call To Order					Chair Martinez called the meeting to order a 2:46 p.m. with four (4) members present constituting a quorum.	
Approval of Minutes		Regular Open Session Minutes of March 6, 2017.			Vice Chair Nizo moved to approve the meeting minutes as circulated. Mr. Miranda seconded the motion. The motion carried 4:0.	
Chief’s Monthly Reports		1. Fire Commission Reports 2. Fiscal Report 3. Daily Flight Hours and Alarm Data 4. Commendation Letters 5. Chief’s announcement and pertinent updates Chief Westerman stated that in addition to his monthly reports, he also has copies of his 1 st Quarter report on the Department’s 2017 Goals for the Commissioners to review and discuss at the Commission’s next meeting in May. Chair Martinez asked Fire Chief Westerman if he has any information on the dates and locations of the 2017 Fire, Rescue International Conference (FRI) and the 2017 Hawai‘i				

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	<p>Fire Chief's Association Conference (HFAC). Chief Westerman stated that the FRI Conference is scheduled for July 26 – 29, 2017, in Charlotte, North Carolina. The dates and location of the 2017 Hawai'i Fire Chief's Association Conference (HFCA) are from November 16 – 18, on the Big Island.</p> <p>With no further discussion or questions, Chair Martinez called for a motion to receive the Fire Chief's monthly reports.</p>	<p>Mr. Miranda moved to receive the Chief's monthly reports. Vice Chair Nizo seconded the motion. The motion carried 4:0.</p>
<p>Business KFC 2016-06</p>	<p><u>Discussion and possible action on selecting the criteria for the Fire Chief's new job description which will be instrumental in the recruiting and hiring of a new Fire Chief in the future.</u></p> <p>Deputy County Attorney Teresa Tumbaga stated that in regard to the Commission's inquiry about the Chief's residency requirements her recommendation would be that the Commission quote the Hawai'i Revised Statutes 78-1 (b), but use the generic term "meet the citizenship and residency requirements in HRS 78-1 (b). She explained that although the residency requirements require that the person be a citizen of Hawai'i for one year that stipulation can be waived by the appointing authority (Kaua'i Fire Commission) if there is no one available that has been a resident for at least one year and when the appointive officer is required to have highly specialized or scientific knowledge and training.</p> <p>In addition, Ms. Tumbaga stated that she worked on clearing some of the language in terms of the type of certificates the person is required to have by changing how the list is worded, but aside from those things, she would like to suggest that the Commission form a Permitted Interaction Group (PIG) consisting of two or more members, but less than a quorum to expedite the process of creating a new job description for the Fire Chief's position.</p> <p>She explained that these individuals would be able to meet without having to notice those meetings or post an agenda and then at the next meeting they could present their findings</p>	

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	<p>and recommendations to the Commission, and then at the following meeting deliberate and make a decision on the matter investigated.</p> <p>Chair Martinez asked if anyone of the Commissioners would like to volunteer for the task. Commissioner Miranda stated perhaps he and Vice Chair Nizo could work on the Fire Chief’s job description. Commissioner Garces asked what kind of timeframe the Commission is looking at. Commissioner Miranda stated the Commission has from now to the last quarter (December 2018) to work on establishing a new job description for the Fire Chief. Chair Martinez asked Commissioner Garces if he would like to be part of the Permitted Interaction Group to which Commissioner Garces noted that he would be up to the challenge. Vice Chair Nizo stated that due to prior work commitments, he cannot commit at this time.</p> <p>Chair Martinez called for a motion to form a two (2) member Permitted Interaction Group made up of Commissioners Garces and Miranda to meet with HR Director Janine Rapozo and Ms. Tumbaga.</p> <p>Ms. Tumbaga clarified that the scope of their investigation is to work on the criteria for the Fire Chief’s new job description which will be instrumental in recruiting and hiring of a new Fire Chief, asking the Chair if he wants the PIG to focus mainly on the Fire Chief’s job description. Chair Martinez stated that perhaps it would be wise to focus on the language for the new Fire Chief job description first, then when the time comes at least the Commission will a written document to help with the recruitment and hiring process.</p> <p>After the vote, Chair Martinez advised Commissioners Garces and Miranda to contact Ms. Rapozo as soon as possible to see what days she would be available to meet with</p>	<p>Vice Chair Nizo moved to form a two (2) member Permitted Interaction Group to work the Director of Human Resources with the assistance of Deputy County Attorney Teresa Tumbaga on establishing a new job description for the Fire Chief. Commissioner Miranda seconded the motion.</p> <p>The motion carried 4:0.</p>

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	<p>them. Commissioner Garces noted that if possible he's looking towards the end of the month, but it would all depend on Ms. Rapozo's availability. Commissioner Miranda noted that he's available from 2'o clock on.</p> <p>With no further discussion, Chair Martinez moved to the announcements.</p>	
Announcements	Next meeting – 2:00 p.m. on Monday, May 1, 2017 at the Mo'ikeha Building, Meeting Room 2A/2B.	
Executive Session ES KFC 2017-003	<p>At 3:02 p.m. Chair Martinez cited the Hawai'i Revised Statutes to bring the meeting into Executive Session.</p> <p>Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) (2) and (4), the purpose of this Executive Session for is the Commission to review the results of the Chief's annual performance evaluation, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held. And to consult with the Commission's attorney on questions and issues pertaining to the Commission and the County's powers, duties, privileges, immunities and liabilities as it may relate to this agenda item.</p>	
ES KFC 2017-002	<p>Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) (2) and (4), the purpose of this Executive Session is for the Commission to consider charges brought against an officer in the Kaua'i Fire Department, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, and open meeting shall be held. And to consult with the Commission and the County's powers, duties, privileges, immunities, and liabilities as they may relate to this agenda item:</p> <ul style="list-style-type: none"> Verbal briefing by Fire Chief Westerman on the status of Notarized Complaint no. KFC 2016-001, filed on December 5, 2016. The complainant alleges that an employee in the Kaua'i Fire Department was completely irresponsible in his behavior in a life and death situation. 	

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ES KFC 2017-003	Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (4) and §92-9, the purpose of this Executive Session is for the Commission to approve or amend the Executive Session meeting minutes of March 6, 2017, and to consult with the Commission's attorney on questions and issues pertaining to the Commission and the County's powers, duties, privileges, immunities and liabilities as they may relate to this agenda item.	Vice Chair Nizo moved to enter into Executive Session. Mr. Miranda seconded the motion. The motion carried 4:0. At 3:02 p.m. the Commissioners entered into Executive Session.
Return to Open Session to Ratify the actions taken in Executive Session	At 3:16 p.m. the Commissioners reconvened on Open Session. Chair Martinez called for a motion to ratify the actions taken in Executive Session.	
Adjournment		Vice Chair Nizo moved to adjourn the meeting. Mr. Miranda seconded the motion. The motion carried 4:0. At 3:17 p.m. the meeting adjourned.

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Michael Martinez, Chair

(**x**) Approved as circulated on May 1, 2017
() Approved as amended. See minutes of _____ meeting.